

COTTONWOOD HEIGHTS

RESOLUTION NO. 2009-03

A RESOLUTION APPROVING A CHARITABLE CONTRIBUTION TO FRIENDS OF THE UTAH AVALANCHE CENTER

WHEREAS, the Utah Avalanche Center (the "*Center*") is a program of the U.S. Forest Service whose services include, without limitation, avalanche education for the public, the protection from avalanche danger through the dissemination of avalanche advisories and mountain weather forecasts, and backcountry warnings through the use of trailhead signs and beacons; and

WHEREAS, Friends of the Utah Avalanche Center ("*Friends of UAC*") is a non-profit, 501(c)(3) corporation which raises funds to defray the cost of the Center's operations; and

WHEREAS, Friends of UAC has requested a monetary donation from the city of Cottonwood Heights (the "*City*") to help ensure continuous delivery of the Center's avalanche safety services to the public; and

WHEREAS, UTAH CODE ANN. 10-8-2(3) specifies the requirements for donation of City funds to private entities like Friends of UAC; and

WHEREAS, as directed, the City's director of finance performed a study (the "*Study*"), a copy of which is annexed hereto, setting forth an analysis and demonstrating the purpose for the proposed donation, and otherwise considering the factors specified in UTAH CODE ANN. 10-8-2(3)(e); and

WHEREAS, the Study was presented to the Council at its regular business meeting on 13 January 2009, at which time the Council ordered that (a) a public hearing concerning the Study and the proposed donation be held on 10 February 2009 as required by UTAH CODE ANN. 10-8-2(3)(d); (b) public notice of such hearing be published and given as required by UTAH CODE ANN. 10-8-2(3)(d) and other applicable law; and (c) the Study be made available for review by interested parties at least 14 days immediately prior to the public hearing as required by UTAH CODE ANN. 10-8-2(3)(e); and

WHEREAS, the public hearing concerning the City's proposed donation of \$1,000 (the "*Donation*") to Friends of UAC was held at approximately 7:00 p.m. on 10 February 2009, which public hearing was preceded by the required public notice as well as at least 14 days' public access to the Study immediately prior to such hearing; and

WHEREAS, on 10 February 2009, following the hearing, the Council met to consider, among other things, making the Donation to Friends of UAC as proposed; and

WHEREAS, the Council has reviewed the Study, and, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City's residents to make the Donation as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the Council hereby appropriates \$1,000 as a donation to Friends of UAC, based on the Council's judgment that such Donation is a corporate purpose of the City because, *inter alia*, (a) the entire Donation will be used to defray the cost of the Center's operations, (b) the Center's services enhance the safety of City residents, diminish congestion of City roads, and otherwise provide for the safety, health, welfare, order and convenience of the City's residents, and (c) the amount of the Donation is less than the value of the benefits received by the City from the Center's services during the City's current fiscal year, as demonstrated by the Study.

This Resolution, assigned no. 2009-03, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 10th day of February 2009.

COTTONWOOD HEIGHTS CITY COUNCIL



Linda Dunlavy
Linda W. Dunlavy, Recorder

By Kelvin H. Cullimore, Jr.
Kelvin H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Don J. Antczak Absent	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
Bruce T. Jones	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 10th day of February 2009.

RECORDED this 11 day of February 2009.